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Gates & Cooper LLPHoward Hughes Center
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Los Angeles, California 90045**FAX TRANSMISSION TO USPTO**TO: Commissioner for Patents
Attn: Examiner Andrew J. Rudy
Patent Examining Corps
Facsimile Center
Alexandria, VA 22313-1450FROM: George H. Gates
OUR REF.: 9618
TELEPHONE: (310) 642-4146Total pages, including cover letter: 19PTO FAX NUMBER: 571-273-8300

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Title of Document Transmitted:	RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF and BRIEF OF APPELLANTS
Applicant:	Brian J. Wasserman et al.
Serial No.:	10/016,452
Filed:	December 10, 2001
Group Art Unit:	3627
Title:	DYNAMIC EVENT SELECTION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM
Our Ref. No.:	9618

Please charge all fees to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application.

By: George H. Gates
Name: George H. Gates
Reg. No.: 33,500

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George H. Gates
SignatureNov. 28, 2005
Date

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T-637 P.002 F-867

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Due Date: November 27, 2005 (Sunday)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brian J. Wasserman et al.	Examiner:	Andrew J. Rudy
Serial No.:	10/016,452	Group Art Unit:	3627
Filed:	December 10, 2001	Docket:	9618
Title:	DYNAMIC EVENT SELECTION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

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Name: George H. Gates

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ Response to Notification of Non-Compliant Appeal Brief.
- ☒ Brief of Appellant(s).

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 14-0225 of NCR Corporation (the assignee of the present application). A duplicate of this paper is enclosed.

Customer Number 22462GATES & COOPER LLPHoward Hughes Center
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Los Angeles, CA 90045
(310) 641-8797By: George H. Gates
Name: George H. Gates
Reg. No.: 33,500
GHG/mrj

Due Date: November 27, 2005 (Sunday)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian J. Wasserman et al. Examiner: Andrew J. Rudy
Serial No.: 10/016,452 Group Art Unit: 3627
Filed: December 10, 2001 Docket: 9618
Title: DYNAMIC EVENT SELECTION FOR FINANCIAL PROCESSING IN A RELATIONAL
DATABASE MANAGEMENT SYSTEM

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NOV 28 2005

Due Date: November 27, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Inventor: Brian J. Wasserman et al.)	Examiner: Andrew J. Rudy
)	
Serial #: 10/016,452)	Group Art Unit: 3627
)	
Filed: December 10, 2001)	Appeal No.: _____
)	
Title: DYNAMIC EVENT SELECTION FOR)	
FINANCIAL PROCESSING IN A)	
RELATIONAL DATABASE)	
MANAGEMENT SYSTEM)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**MAIL STOP APPEAL BRIEF - PATENTS**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant's attorney received a Notification of Non-Compliant Appeal Brief dated October 27, 2005, where the Notification states that the Brief of Appellant filed on August 8, 2005 is defective for failure to comply with one or more provisions of 37 C.F.R. §41.37.

The Notification states that the brief does not contain a concise explanation of the subject defined in each of the independent claims, the brief does not contain a correct copy of appealed claims as an appendix, and that no evidence appendix has been included.

Appellant's attorney submits herewith a supplemental Brief of Appellant to overcome these objections. However, Appellant's attorney does with traverse. Appellant's attorney respectfully asserts that the Notification is in error. Specifically, the brief as originally filed does contain a concise explanation of the subject defined in each of the independent claims, and the brief as originally filed does contain a correct copy of appealed claims as an appendix. Nonetheless, in the interest of expediting prosecution, Appellant's attorney submits a supplemental Brief to overcome the objections.

No fee is required for filing this supplemental Brief of Appellant. However, the Office is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present invention.

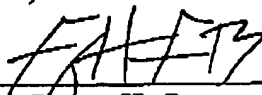
Respectfully submitted,

Brian J. Wasserman

By his attorneys,

GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: November 28, 2005

By: 
Name: George H. Gates
Reg. No.: 33,500

GHG/mrj

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Due Date: November 27, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
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Inventor: Brian J. Wasserman et al.)	Examiner: Andrew J. Rudy
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Serial #: 10/016,452)	Group Art Unit: 3627
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Filed: December 10, 2001)	Appeal No.: _____
)	
Title: DYNAMIC EVENT SELECTION FOR)	
FINANCIAL PROCESSING IN A)	
RELATIONAL DATABASE)	
MANAGEMENT SYSTEM)	

BRIEF OF APPELLANT

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.37, Appellant's attorney hereby submits the Brief of Appellant on appeal from the final rejection in the above-identified application as set forth in the Office Action dated March 8, 2005. This Brief of Appellant is a supplemental Brief of Appellant filed in response to the Notification of Non-Compliant Appeal Brief dated October 27, 2005.

No fee is required for filing this supplemental Brief of Appellant. However, the Office is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present invention.

I. REAL PARTY IN INTEREST

The real party in interest is NCR Corporation, the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are related appeals in the following co-pending and commonly-assigned patent applications:

Application Serial No. 10/016,779, filed on December 10, 2001, by Brian J. Wasserman et al., entitled PARALLEL SELECTION PROCESSING FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9620 (30145.416US01);

Application Serial No. 09/943,060, filed on August 30, 2001, by Paul H. Phibbs, Jr., entitled CAPITAL ALLOCATION IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9391 (30145.404USU1);

Application Serial No. 09/943,059, filed on August 21, 2001, by Paul H. Phibbs, Jr., entitled ALLOCATED BALANCES IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9512 (30145.405USU1);

Application Serial No. 09/608,355, filed on June 29, 2000, by George R. Hood et al., entitled ADVANCED AND BREAKTHROUGH NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9006 (30145.401US01);

Application Serial No. 09/610,646, filed on June 29, 2000, by George R. Hood et al., entitled BASIC AND INTERMEDIATE NET INTEREST REVENUE IMPLEMENTATIONS FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 8980 (30145.397US01);

Application Serial No. 09/608,682, filed on June 29, 2000, by George R. Hood, entitled RISK PROVISION IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9015 (30145.392US01);

Application Serial No. 09/608,681, filed on June 29, 2000, by George R. Hood et al., entitled OTHER REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A

RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9015 (30145.391US01);

Application Serial No. 09/845,461, filed on April 30, 2001, by George Robert Hood, entitled TAX ADJUSTMENT FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9522 (30145.415US01);

Application Serial No. 09/845,851, filed on April 30, 2001, by George Robert Hood, entitled SHAREHOLDER VALUE ADD FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9511 (30145.421US01); and

Application Serial No. 09/845,924, filed on April 30, 2001, by George R. Hood, entitled AMORTIZATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM, attorney's docket number 9435 (30145.422US01).

III. STATUS OF CLAIMS

Claims 1-21 are pending in the application.

Claims 8-21 have been withdrawn.

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Price et al., "College Accounting, Seventh Edition," (Price) in view of Official Notice.

Claims 1-7 are being appealed.

IV. STATUS OF AMENDMENTS

No amendments have been made subsequent to the final Office Action.

V. SUMMARY OF THE INVENTION

Appellant's invention, as recited in independent claim 1, is generally directed to a method for performing financial processing in a computer (100). (See, page 3, lines 13-19; page 4, lines 9-15; page 4, line 18 through page 5, line 13 referring to 100 in FIG. 1.) The method includes selecting accounts and events (202, 204) from a database (106) through a selector function (300), wherein the selector function (300) uses one or more selection criteria (302) to determine which

accounts and events (202, 204) should be selected and the selector function (300) selects the accounts (202) according to one or more specified attributes of the selected events (204). (See, page 3, lines 13-19; page 4, lines 9-15; page 12, line 5 through page 13, line 7 referring to 202, 204, 300 and 302 in FIG. 3; and page 18, line 15 through page 19, line 2 referring to 400, 402, 404, 406, 408, 410 and 412 in FIG. 4.) The method also includes performing one or more profitability calculations (200) in the computer (100) using attributes of the accounts and events (202, 204), wherein the profitability calculations (200) use one or more rules (210) applied to the attributes. (See, page 3, lines 13-19; page 4, lines 9-15; page 7, line 27 through page 11, line 9 referring to 200, 202, 204 and 210 in FIG. 2; page 12, line 5 through page 14, line 21 referring to 202, 204, 300 and 302 in FIG. 3; and page 19, lines 18-21 referring to 424 in FIG. 4.)

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-7 are obvious under 35 U.S.C. §103(a) over Price et al., "College Accounting, Seventh Edition," (Price) in view of Official Notice.

VII. ARGUMENTS

A. The Office Action Rejections

In paragraph (2) of the Office Action, claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Price et al., "College Accounting, Seventh Edition," (Price) in view of Official Notice.

Appellants' attorney respectfully traverses these rejections.

B. Appellant's Independent Claims

As noted above, Appellants' independent claim 1 is generally directed to a method of performing financial processing in a computer. The method of claim 1 comprises the steps of:

(a) selecting accounts and events from a database through a selector function, wherein the selector function uses one or more selection criteria to determine which accounts and events should be selected and the selector function selects the accounts according to one or more specified attributes of the selected events; and

(b) performing one or more profitability calculations in the computer using attributes of the accounts and events, wherein the profitability calculations use one or more rules applied to the attributes.

C. The Price Reference

Price is a college accounting textbook that describes accounting concepts and principles. The portions cited describe analyzing business transactions including the accounting cycle, accounting for assets and liabilities including accounts receivable and uncollectible accounts, and responsibility and cost accounting including departmentalized profit and cost centers.

D. Arguments Directed To The First Grounds for Rejection: Whether Claims 1-7 Are Obvious Under 35 U.S.C. §103(a) Over Price In View Of Official Notice.

1. Claim 1

The Appellants' invention, as recited in independent claim 1 is patentable over the references, because it contains limitations not taught by the references. Specifically, the references do not teach or suggest the specific combination of limitations found in Appellants' independent claim 1.

The Office Action, however, asserts the following:

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Official Notice.

Applicant is directed towards the previous Office Action mailed April 30, 2004. Appellants' July 30, 2004 REMARKS have been reviewed, but are not convincing. The selector function is fully encompassed by the Official Notice given in the previous Office Action. That is "performing financial processing using computer software is common knowledge in the art" includes a selector function. Applicant does not traverse the Official Notice. Thus, Applicant admits it.

The term "selector function" is extremely broad in scope and content and does not obviate the combination reference. Likewise, the selection criteria, events, accounts and screening rules referenced by Applicant provide no line of demarcation over the elements disclosed by Price, in view of Official Notice.

The previous Office Action mailed April 30, 2004 asserted the following:

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al. "College Accounting, Seventh Edition" (hereafter "Price")

Price discloses event attributes, e.g. pgs 28-41, 529,531, 966-982 (Fig. 27-5), a method measuring profit based on the factors of net interest revenue, other revenues (Fig. 27-5, line 4, "Operating Revenues"), direct expenses (Fig. 27-5, line 22, "Direct Expenses"), indirect expenses (Fig. 27-5, line 30, "Indirect Expenses"), and risk (Fig. 27-5, line 6, "Less Sales Returns and Allowances"), all set up to take advantage of flexible business rules.

Official Notice is taken that performing financial processing using computer software is common knowledge in the art.

To have provided a method of performing profitability calculations using attributes of account and events using software for a computer measuring profit based on the factors of net interest revenue, other revenues, direct expenses, indirect expenses and risk, all set up to take advantage of flexible business rules the business rules to calculate known variations of one of the attribute factors, e.g. net interest revenue, would have been obvious to one of ordinary skill in the art. Doing such would incorporate common knowledge data along with common knowledge software.

Appellants' attorney respectfully disagrees.

Neither Price nor Official Notice teach or suggest the claimed elements of "selecting accounts and events from a database through a selector function, wherein the selector function uses one or more selection criteria to determine which accounts and events should be selected and the selector function selects the accounts according to one or more specified attributes of the selected events," and "performing one or more profitability calculations in the computer using attributes of the accounts and events, wherein the profitability calculations use one or more rules applied to the attributes."

Instead, Price merely refers generally to accounting systems, but not the selector function elements of Appellants' claims. Indeed, the Office Action itself only generally refers to Price, but does not cite any location in Price for the recited selector function, the use of selection criteria to determine which accounts and events should be selected, the selection of accounts according to one or more specified attributes of the selected events, and performance of profitability calculations using attributes of the accounts and events, as well as the use of rules applied to the attributes, because there is nothing in Price that refers to such elements.

Moreover, Official Notice merely states that performing financial processing using computer software is common knowledge in the art. However, notwithstanding the erroneous assertions in the most current Office Action, that the selector function is fully encompassed by the Official Notice given in the previous Office Action, nothing in the Official Notice teaches or suggests a selector function as recited in Applicant's claims.

Appellants' claimed invention provides operational advantages over the system disclosed in Price and the assertions related to the Official Notice. Price reflects an outdated approach to accounting systems, while the Official Notice merely states that performing financial processing using computer software is common knowledge in the art. Appellants' invention, on the other hand, describes selecting accounts and events from a database through a selector function, wherein the selector function uses one or more selection criteria to determine which accounts and events should be selected and the selector function selects the accounts according to one or more specified attributes of the selected events, and then performing one or more profitability calculations in the computer using attributes of the accounts and events, wherein the profitability calculations use one or more rules applied to the attributes. Price and Official Notice, taken together, fail to teach or suggest such financial processing, all of the elements used therein, or the relationships between the various elements.

Thus, Appellants' attorney submits that the independent claims are allowable over Price. Further, the dependent claims are submitted to be allowable over Price in the same manner, because they are dependent on independent claims, and because they contain all the limitations of the independent claims. In addition, the dependent claims recite additional novel elements not shown by Price.

2. Claim 2

Claim 2 recites that the selection criteria includes dynamic event attributes. The Office Action rejects this claim only generally, i.e., on the same basis as the independent claim, without citing any specific location within the reference as teaching these limitations. Appellants' attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of this claim.

3. Claim 3

Claim 3 recites that the selection criteria includes one or more attributes for the selected events are defined for each of the accounts. The Office Action rejects this claim only generally, i.e., on the same basis as the independent claim, without citing any specific location within the reference as teaching these limitations. Appellants' attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of this claim.

4. Claim 4

Claim 4 recites that a definition for the attributes varies both in a number of attributes and an identity of the attributes. The Office Action rejects this claim only generally, i.e., on the same basis as the independent claim, without citing any specific location within the reference as teaching these limitations. Appellants' attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of this claim.

5. Claim 5

Claim 5 recites that the selector function performs event thresholding when selecting the accounts. The Office Action rejects this claim only generally, i.e., on the same basis as the independent claim, without citing any specific location within the reference as teaching these limitations. Appellants' attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of this claim.

6. Claim 6

Claim 6 recites that the selector function only selects accounts that have a specified number of a specified combinations of event attributes. The Office Action rejects this claim only generally, i.e., on the same basis as the independent claim, without citing any specific location within the reference as teaching these limitations. Appellants' attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of this claim.

7. Claim 7

Claim 7 recites that the selector function selects the accounts that meet any of the selection criteria, wherein the amount of the events is summed to determine whether they satisfy the event thresholding. The Office Action rejects this claim only generally, i.e., on the same basis as the independent claim, without citing any specific location within the reference as teaching these limitations. Appellants' attorney disagrees with this analysis, and submits that nowhere does the reference teach or suggest the limitations of this claim.

VIII. CONCLUSION

In light of the above arguments, Appellant's attorney respectfully submits that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103.

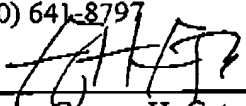
As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Appellant

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: November 28, 2005

By: 
Name: George H. Gates
Reg. No.: 33,500

GHG/mrj

CLAIMS APPENDIX

1. (ORIGINAL) A method of performing financial processing in a computer, comprising:
 - (a) selecting accounts and events from a database through a selector function, wherein the selector function uses one or more selection criteria to determine which accounts and events should be selected and the selector function selects the accounts according to one or more specified attributes of the selected events; and
 - (b) performing one or more profitability calculations in the computer using attributes of the accounts and events, wherein the profitability calculations use one or more rules applied to the attributes.
2. (ORIGINAL) The method of claim 1, wherein the selection criteria includes dynamic event attributes.
3. (ORIGINAL) The method of claim 1, wherein the selection criteria includes one or more attributes for the selected events are defined for each of the accounts.
4. (ORIGINAL) The method of claim 3, wherein a definition for the attributes varies both in a number of attributes and an identity of the attributes.
5. (ORIGINAL) The method of claim 1, wherein the selector function performs event thresholding when selecting the accounts.
6. (ORIGINAL) The method of claim 5, wherein the selector function only selects accounts that have a specified number of a specified combinations of event attributes.
7. (ORIGINAL) The method of claim 6, wherein the selector function selects the accounts that meet any of the selection criteria, wherein the amount of the events is summed to determine whether they satisfy the event thresholding.
8. (WITHDRAWN) A system for financial processing, comprising:

a computer;

logic, performed by the computer, for:

(a) selecting accounts and events from a database through a selector function, wherein the selector function uses one or more selection criteria to determine which accounts and events should be selected and the selector function selects the accounts according to one or more specified attributes of the selected events; and

(b) performing one or more profitability calculations in the computer using attributes of the accounts and events, wherein the profitability calculations use one or more rules applied to the attributes.

9. (WITHDRAWN) The system of claim 8, wherein the selection criteria includes dynamic event attributes.

10. (WITHDRAWN) The system of claim 8, wherein the selection criteria includes one or more attributes for the selected events are defined for each of the accounts.

11. (WITHDRAWN) The system of claim 10, wherein a definition for the attributes varies both in a number of attributes and an identity of the attributes.

12. (WITHDRAWN) The system of claim 8, wherein the selector function performs event thresholding when selecting the accounts.

13. (WITHDRAWN) The system of claim 12, wherein the selector function only selects accounts that have a specified number of a specified combinations of event attributes.

14. (WITHDRAWN) The system of claim 13, wherein the selector function selects the accounts that meet any of the selection criteria, wherein the amount of the events is summed to determine whether they satisfy the event thresholding.

15. (WITHDRAWN) An article of manufacture embodying logic for performing financial processing in a computer, comprising:

(a) selecting accounts and events from a database through a selector function, wherein the selector function uses one or more selection criteria to determine which accounts and events should be selected and the selector function selects the accounts according to one or more specified attributes of the selected events; and

(b) performing one or more profitability calculations in the computer using attributes of the accounts and events, wherein the profitability calculations use one or more rules applied to the attributes.

16. (WITHDRAWN) The article of manufacture of claim 15, wherein the selection criteria includes dynamic event attributes.

17. (WITHDRAWN) The article of manufacture of claim 15, wherein the selection criteria includes one or more attributes for the selected events are defined for each of the accounts.

18. (WITHDRAWN) The article of manufacture of claim 17, wherein a definition for the attributes varies both in a number of attributes and an identity of the attributes.

19. (WITHDRAWN) The article of manufacture of claim 15, wherein the selector function performs event thresholding when selecting the accounts.

20. (WITHDRAWN) The article of manufacture of claim 19, wherein the selector function only selects accounts that have a specified number of a specified combinations of event attributes.

21. (WITHDRAWN) The article of manufacture of claim 20, wherein the selector function selects the accounts that meet any of the selection criteria, wherein the amount of the events is summed to determine whether they satisfy the event thresholding.

EVIDENCE APPENDIX

There is no evidence being relied upon by Appellant in the appeal.

RELATED PROCEEDINGS APPENDIX

No decisions have been rendered by a court or the Board in any proceeding identified pursuant to paragraph 37 C.F.R. 41.37(c)(1)(ii).